

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CHARLES A. EVANGELISTA,	)	
Plaintiff	)	
	)	
v.	)	
	)	
SHANE MARCOTTE,	)	
JASON FANION,	)	CIVIL ACTION NO. 05-CV-10311-MLW
DANIEL FALLON, III,	)	
JONATHAN COTTER,	)	
JAMES JOHNSON,	)	
CARL SUPERNOR, and	)	
THE CITY OF WORCESTER,	)	
Defendants	)	

**JOINT STATUS REPORT**

Pursuant to the Scheduling Order issued by the Court on September 14, 2005, the parties hereby submit the following report as to the prospects of settlement and whether either party believes that there is a proper basis to file for summary judgment.

1. Currently, the parties are in the process of scheduling a mediation before Magistrate Judge Hillman, following this Court's Order of Reference to Mediation on August 18. The parties expect that the mediation will occur sometime in October.

2. The Plaintiff does not plan on filing for summary judgment. The defendants are considering filing a motion for summary judgment with regard to the negligence claims and reserve their right to file as to other claims.

Respectfully Submitted,

The Plaintiff,

The Defendants,

CHARLES A. EVANGELISTA

SHANE MARCOTTE, JASON FANION,  
DANIEL FALLON, III, JONATHAN  
COTTER, JAMES JOHNSON, CARL  
SUPERNOR and the CITY OF  
WORCESTER

By his attorneys:

By their attorneys:  
David M. Moore  
City Solicitor

/s/ William T. Harrington

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Dated: September 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic filing (NEF) and paper copies will be sent to any individual indicated as non registered participants on June 22, 2006 by first class mail.

/s/ William T. Harrington

William T. Harrington